

MINUTES OF THE REGULAR MEETING OF THE RUSH VALLEY PLANNING
COMMISSION HELD ON APRIL 13, 2016 AT THE RUSH VALLEY TOWN HALL,
52 SOUTH PARK STREET, RUSH VALLEY, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Planning Commission Members Present: Ed Johnson, Scott Hawkins, Jeff Neil and David Smith and Blaine Russell

Appointed Officers and Employees Present: Clerk/Recorder Amie Russell

REGULAR AGENDA:

1. Discussion and Review of Agenda Items by Planning Commission. Scott Hawkins asked why another conditional use permit was needed when Carey Allred already had a building permit that was paid for. Amie Russell responded the conditional use permit was for temporary residence with a six month review. We are past the six month review. Per Attorney Linares the conditional use permit can be extended, without reapplying.

2. Roll Call. Present were Planning Commissioners Ed Johnson, Scott Hawkins, Jeff Neil and David Smith and Blaine Russell. Attorney Linares and Lacey Burrows were excused.

3. Approval of meeting minutes for 03-09-16. Blaine Russell made a motion to approve the 03/09/16 minutes as written. Scott Hawkins seconded the motion. All present voted in favor and motion carried.

4. Carey Allred – Review of Conditional Use Permit. Carey Allred was present at the meeting. He commented he has done a lot of work on the place. He commented he has been in contact with Brett Clark and has done what Brett has instructed him to do as far as the framing. Two windows have been put in and there are two more to do. The electrical, insulation, sheetrock and plumbing of bathroom still need to be done. The county has no record of a septic system. He commented he would have been pretty close to being done by now, but due to his work schedule and money he isn't finished. He has pictures of work done if the commission wants to see them. Jeff Neil asked if he was applying for a building permit or an extension of the conditional use permit. Amie Russell commented he already has a building permit. The conditional use permit was to have the garage remodeled into a temporary residence. It is not going to be a permanent residence. Jeff Neil commented the garage is going to be a temporary residence. The building permit was to make improvements to the garage so it could be used as a temporary residence. Carey commented understood the reason they went with the conditional use for temporary residence is because he won't be living there full time until it is completed and everything is done. He further commented they plan on selling their house and moving out here. Jeff Neil asked if they will be moving to a new residence or a remodeled garage. Carey replied

the remodeled garage, a garage turning into a home. He again stated the remodeled garage. Jeff Neil restated so you are turning the garage into a home to move in to. Carey replied yes. Jeff commented there are no plans of building a new home. Carey replied no. He further commented he is aware that if they build a new structure he will need to get building permits. Jeff commented we need to move forward with a building permit because he has stated he is turning this into a home. Amie Russell commented he did submit a building permit also, but from what she understood they were going to temporarily live in the remodeled garage while they were building something else on the property. Jeff Neil commented they cannot live in this structure because there is no water, power or septic system. The permit was to remodel the garage. Jeff Neil commented that now it is going towards using the remodeled garage as a permanent residence. It was asked if there are plans to build another home. Carey Allred commented what the plans were to hopefully to build on top or to the side, as an addition. Scott Hawkins commented if there is another one, it will be an addition to this one. David Smith asked if the original conditional use permit was solely for the garage. The conditional use permit was allowing them to stay in the garage while they were out here working on a building a home. Jeff Neil read the verbiage on the permit that it would be used as a temporary residence for six months. This is telling us the intended use was to temporarily use the garage as a place to live. Now he is stating this is going to be a permanent residence. Carey commented their plans are to hopefully move out here because they will need a place to live when they sell their house. Jeff asked if the remodeled garage is where you will be living or are you building a home. When he came out he asked if he could build around the garage, they said yes. David Smith said read from the code book, any enlargement, increase or extension of the original conditional use permit shall not be made unless permission is given to amend the existing permit. David Smith commented the commission is trying to determine the intent.

Jeff Neil also commented the commission is trying to determine what he is trying to do. Are you trying to remodel this garage to move into? Carey Allred commented they are remodeling it so they can stay in it. Jeff then asked if it will be a permanent residence and Carey replied yes. Jeff further commented that you intend to remodel the garage to live in and not build another residence and Carey replied yes. David Smith commented that a citizen has the right to renew a conditional use permit for three successive periods. If his sole intent is to continue remodeling under the original conditional use permit, do we just take that into consideration only? Jeff Neil commented the status has changed. The original intent of this permit was to remodel the garage for temporary residence. Now he is stating they want to move into it permanently. David Smith asked how long did it would take for him to finish what he started to live in it. Carey replied he hoped to be finished by summer. David then asked if he intended to live in it permanently, Carey responded yes, and the plan is to get it done so when they are ready to move they have a place to stay and if he needs to follow up with the planning and zoning commission he will do that. David Smith asked if the commission is allowed renew on an extension.

Ed Johnson read the minutes from the June 10, 2015 (attached to these minutes)* - The intentions were to remodel the garage to have one bedroom and bathroom to heat with a stove. He was fixing the garage to repair existing damage. This is an existing structure with the intent to use the existing footprint. There is a 5th wheel currently on the property. There isn't a need to issue a conditional use permit for the use of the 5th wheel because the use didn't meet the

requirements for a conditional use permit. The intention is not to use the existing building as a permanent residence. When they are ready to build a dwelling on the property. This is not a residency, the conditional use is for temporary residency to be allowed for six months up to one year on the permit. Ed Johnson commented the way he understood the minutes, the garage was going to be a place to stay while another structure was being built. Jeff Neil commented that is also how he understood it.

Ed Johnson further commented this was for a period up to 18 months. Carey Allred commented he isn't staying in the building, he's staying in the garage. Ed Johnson commented from what he remembers and what the commission is allowing him to do was to make it a place to stay while he was building a new structure or home. The problem is that you are going to move into it and it may be 5 or 10 years before you build and you are thinking you can build on. My understanding is that it is a separate structure and you want to build on to it, not build a new home. The conditional use permit is for 6 months and can be reviewed and extended for a period of 18 months. You are here now almost at the one year mark and still trying to make the temporary place to stay where you could stay in it. The question is what is a reasonable amount of time, the codes allow 18 months. It comes on your shoulders to meet this timeline, and the challenges you have had are understandable, but Ed commented further that he is not comfortable as a member of this board allowing him to live in a 23 x 23 foot garage. We have run into trouble with this in the past when people have pulled in a 5th wheel while they are building a home and it is still there. There is a garage here and the commission is under one understanding and your intent is to make this your home. David Smith asked if Carey's intent is to not build another structure from the garage. Carey replied all he is trying to do is to save money and asked what he can do. He said he feels he never got a straight answer. When he sells his home he can build full time. He asked if he can build next to the structure where the other home was. Ed further commented what he thinks is next to and what you intend to do is to build on to. Scott Hawkins commented it would have to be attached to because there can be only be one structure. Ed Johnson commented he needs to make a decision on what he intends to do. The conditional use permit is for you have some time to stay there while you are building a home. The last thing Ed wants to see is a family living in a remodeled garage because of an error on the commission's part because there are rules the commission members need to follow. Ed further commented he feels there has been some misunderstanding on Carey's part of what temporary use is for. Temporary use is for you to get this structure livable, sell your home, get financing together and get a home build to move in to. There have been situations where people have had temporary plans and 10 years later they are still temporary plans. He respects the fact that Carey is here and trying to do the right thing.

David Smith commented about the previous home and asked if there was a foundation. Ed commented it was a modular home and there was no foundation. David asked where he would build the new home. Carey commented he would build it next to the garage. Ed commented they are concerned that the setbacks are met and that the percentage of coverage meets with the current regulations. Carey commented he is not currently staying in the garage. The problem that Ed stated is he is seeing there is a lot of investment into something that technically you will stay in for 18 months, then the kitchen etc. will have to be taken out of the garage. There is a misunderstanding of what you are doing. As a board we have all been sworn in and are to follow

the rules given in the Land Use Code Book. The minutes reflect you were going to use this for temporary use and not going to be a permanent residence. There is a lot being invested into the garage remodel that will only be used for 6 months. Carey stated the bedroom, bathroom have been built but it hasn't been plumbed yet. To get sewer and everything else is going to take time. This hasn't been made into a temporary residence yet. Amie Russell commented Carey has paid the permit fees for the review and inspections required. There cannot be two residences on property that is zoned for one residence. The structure is approximately 530 square footage.

Jeff Neil commented he still has six months to meet this criteria. Ed commented if he takes 18 months to make this a temporary residence, then does he reapply for another conditional use permit. The conditional use permit has a time limit. There is no minimum requirement of square footage for a residency. Ed Johnson asked Carey if he ever had the intent to build another home, Carey replied yes to add on to it and build a new garage on the other side of it. Scott Hawkins said if it fits within that footprint it is a possibility, but when he goes to add on to it the question is will it be attached to the existing building. Carey Allred stated Brett Clark gave him a new house number of 1179 N Church. The existing garage will need to be incorporated into the new structure. A new permit will have to be done with a new set of plans showing both structures. Ed Johnson commented he doesn't know when this will happen and he doesn't agree that there isn't a plan for the future. Scott Hawkins commented in the code book there is nothing that says they can't live in a 24' x 24' structure, but he doesn't know what the Health Department will allow

Ed Johnson asked if he has considered moving a modular home in? Carey commented yes. Ed further commented the conditional use permit you have is for 18 months, you are almost to the year mark and there are no definite plans of putting a new dwelling there with a timeline. If a modular home with a permanent foundation is used as the residence, all the work done in the garage remodel has to be undone and it has to become a garage again. Carey Allred commented he would rather add on to the garage. His goal was to make the garage somewhat livable because he didn't want to stay in the 5th wheel. Jeff Neil commented that what you wanted to do hasn't been done yet and you are getting close to the end of the conditional use maximum time allowed.

David Smith commented he can has the right to another extension. Ed Johnson commented if the issue date is June of 2015 and you can have up to two six-month extensions you have until December of 2016 to be done, there is a time frame for a reason. Ed further commented he feels the commission needs Attorney Linares' opinion on these things because there was a home that was a structure with a garage, the home was taken out and the garage remained and there is confusion on what temporary meant. David Smith asked if he would be willing to come back to the next meeting, with dimensions so there is an idea of what your future vision is and what the final structure will be. Ed stated once you sell your home and you are in this temporary residence, who is going to make you leave and build a permanent structure and you continue staying in a temporary residence that our code does not allow.

Jeff Neil commented he doesn't feel the commission is out of line to ask him to provide future plans and a timeline to complete it. The planning commission issued a conditional use permit a year ago to finish a temporary residence and you haven't done this. Ed further commented the conditional use permit is for six months, with the option to extend up to 18 months, but this is for a temporary use. The conditional use permit was to stay in the garage as a temporary residence.

Ed Johnson asked Carey Allred if there were any inspections done by Brett Clark. Carey commented he was going to have him come out, but he found out he was no longer the inspector for the town. He talked to Brett and asked him about the work he was doing while he has been working on the remodel.

David Smith asked how much more work he needs to do on the garage? Carey responded there is no insulation, sewer or water. This work still needs to be completed.

Scott Hawkins commented the county will have to be involved to determine how many people can live in certain sizes of structures. There has to be water, sewer and power to live in it.

Ed Johnson commented the board wants to help, but feels there needs to be a plan. There haven't been inspections done and they need to know what the plan is and timeline to complete them. Carey Allred commented right now he is trying to make this a place where his family can come out and stay on the weekends. David Smith asked if he wanted to be on the agenda next month. Ed commented he was issued a conditional use permit for six months to get a temporary dwelling done, this has not been accomplished, a temporary use permit is for a temporary place to stay while you are building a residence and he is nowhere near that so Ed feels they should deny the extension and when there is a definite plan Carey should come back in and apply for a new one so the commission can review it. The attorney will need to be consulted and if no inspections have been done and the town hasn't paid anything to the inspector, it may be a possibility to reimburse the fees and start over. Amie will have to research this and find out if any inspections have been done and if any and payments have made. David Smith recommended extending it for one month until the next meeting, where the attorney can be present. Ed Johnson suggested tabling this item until the next meeting. Scott Hawkins commented he could stay in the 5th wheel on the weekends, but if he stayed in it for more than two consecutive full weeks (14 days) a permit is needed.

Ed Johnson commented the commission is not comfortable with what has been done in the six month time frame.

Scott Hawkins made a motion to table this item and to discuss further when the town lawyer is present. Blaine Russell seconded the motion. All present voted in favor.

5. Public Comments. Carl Wall was present and asked about the property on Pine and Main. He has noticed there is activity going on there. He asked what the status of this property was. It is believed it was condemned by the health department. He asked if the premises be entered into legally. Can they enter to clean and prep before and inspection. No other public comments were offered. Attorney Linares or the Mayor will contact the health department to inquire and notify the health department there has been activity on the condemned property.

6. Adjourn. Jeff Neil made a motion to adjourn. Scott Hawkins seconded the motion. All present voted in favor and the motion carried.

*** Attached minutes referenced in April 13, 2016 minutes, agenda item #4, paragraph 3**

MINUTES OF THE REGULAR MEETING OF THE RUSH VALLEY PLANNING COMMISSION HELD ON JUNE 10, 2015 AT THE RUSH VALLEY TOWN HALL, 52 SOUTH PARK STREET, RUSH VALLEY, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Planning Commission Members Present: Ed Johnson, Scott Hawkins, Jeff Neil and David Smith

Appointed Officers and Employees Present: Attorney Joel Linares, Clerk/Recorder Amie Russell

REGULAR AGENDA:

1. Discussion and Review of Agenda Items by Planning Commission. There was no discussion on agenda items.

2. Roll Call. Present were Planning Commissioners Ed Johnson, David Smith, Scott Hawkins, and Jeff Neil. Ed Johnson was not present at the time of roll call, he arrived at 7:34 pm, Blaine Russell was excused.

3. Approval of Meeting Minutes for 01/14/15. Scott Hawkins made a motion to approve the meeting minutes as written. David Smith seconded the motion. All present voted in favor and the motion carried.

4. Carey Allred – Zoning Approval. Carey Allred was present at the meeting. The address of the property discussed is 1170 N Church Street. His intentions are to remodel the current garage to have one bedroom and bathroom and to heat with a stove. He was fixing the garage to repair existing damage. This is an existing structure, with intent to use the existing footprint. There is a 5 wheel on the property currently. There wasn't a need to issue a conditional use permit because they use didn't meet the requirements for a conditional use permit. The intention is not to use the existing building as a permanent residence. This is a non-conforming lot. There has been a lot of improvement done to this existing structure. When they are ready to build a dwelling on the property. There is only one residence allowed on a parcel of property. This is not a residency. The conditional use is for temporary residency and be allowed for Six month or up to a year on the permit. Carey Allred asked what will be required. A building permit application along with required supporting documentation and permit fees to be paid after the application has been reviewed. Jeff Neil made a motion to authorize the conditional use permit. Scott Hawkins seconded the motion. All present voted in favor.

5. Scott Hummerhays – Zoning Approval. Currently there are 12 owners & 10 families on the Sunten property. He provided a copy of the Settlement Agreement and the Conditional Use Permit to operate under dated April 27, 1981. There are twelve lots (space). There are currently 12 dwellings and they came on wheels and could potentially leave on wheels. Allowed to have 12 living units. Attorney Linares read the specifics of the conditional use permit and what is

allowable. Jeff currently has temporary RV Trailer. He is trying to decide what to do. Looking at a Tuff Shed Cabin. The concept is similar to a manufactured home estimated size 16 X 28. 450 sq. ft. This will be set on a concrete slab. The reason he is here is because this deviates from what is required. The unit that is currently there will be removed and sold. Attorney Linares commented it should be required to have a building permit with the required inspections.

7:34 Ed Johnson arrived at the meeting.

Jeff made a motion to approve zoning and the use as discussed with the requirement to submit a building permit application. David Smith seconded the motion. All present voted in favor.

6. Public Comments. There were no public comments offered.

7. Adjourn. Scott Hawkins made a motion to adjourn. David Smith seconded the motion. All present voted in favor and the motion carried. The meeting was adjourned at 7:36.